

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office

January 20, 2000 LB 182

code, material in a student publication shall not be suppressed or prohibited on the ground that it involves any individuals' opinion or involves factual material regarding controversial subject matter unless...unless (a) if its obscene or deemed harmful to minors in accordance with Nebraska statutes, it can be prohibited. If it's libelous, it could be prohibited. And, thirdly, a very broad category, if it's demonstrably likely to incite violence, law-breaking, or substantial and material disruption of the normal functions of the school. So what it says to young students is that, basically, we're going to operate, with regard to you, in a manner of process that we use with adults, not giving you the same latitude, but giving you that other fundamental American "right" and that is the right to notice, notice of what you're expected to do, and that notice in the bill is either the notice provided in the statute or the notice provided in the publications code that an individual school district may adopt. I think we are all in agreement that it is, in fact, a fundamental principle of American law, as we deal with all our citizens, to have an opportunity for notice as to what the parameters are, what the legal parameters are with respect to any behavior, and in this instance with respect to student behavior in student publication activities. I want to repeat again, because for the period of time that we have been involved with this, it has been the school administrators that have been concerned, and with this compromise, I hope they are no longer concerned because I want to repeat again, any school district can have their own publication code, and they can put into that whatever strict or whatever liberal rules they want to use with respect to students and their publications. But it's an advantage to everybody to have administrators not deal arbitrarily but to deal in a world of known rules. And the bill also makes clear to the public and protects administrators in the sense that it states flat out in the bill that the material being published is not associated with the school,...

SENATOR CUDABACK: One minute.

SENATOR BEUTLER: ...and that the school is not liable for that material unless there is actual malice. So the administrators are protected. The students are advantaged by knowing a set of rules, and, if they're interested, working for a broad set of rules, working for a set of rules that maximizes their freedom